

ARTICLE XVI. ADMINISTRATION, ENFORCEMENT AND PENALTIES*

*Editor's note --Ord. No. 1993-42, § 3, adopted June 1, 1993, renumbered Arts. XII--XVI as Arts. XIII--XVII. See the Code Comparative Table for a detailed analysis of inclusion.

Cross reference(s)--Administration, Ch. 2.

Section 16.01. Zoning administrator.

The city manager of the City of Salisbury, North Carolina, shall appoint, with confirmation of the Salisbury, North Carolina, city council, a zoning administrator who shall act under the city manager; and it shall be the duty of the zoning administrator to enforce and administer the provisions of this ordinance.

(Ord. of 8-6-74, § 1)

Section 16.02. Zoning administration approval required.

No permit for excavation, construction, or alteration shall be valid until the zoning administrator has certified that the plans, specifications or intended use conform to the provisions of the Salisbury zoning ordinance. Residential accessory buildings with a total floor area of one hundred twenty (120) square feet or less shall not be required to obtain the approval of the zoning administrator prior to being moved, constructed or erected. All other requirements of the zoning ordinance are to be met, including those related to yard setback requirements.

(Ord. of 8-6-74, § 1; Ord. No. 1977-50, § 1, 12-6-77)

Section 16.03. Application for zoning administrator approval.

Each application for zoning administrator approval shall be accompanied by a plot plan showing:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the structure to be erected;
- (3) The location of the structure on the lot;
- (4) The location of existing structures on the lot, if any;
- (5) The number of dwelling units designed to be accommodated if any; or,
- (6) Such other information as may be needed for determining whether the provisions of this ordinance are being observed.

Any authorization made by the zoning administrator shall become invalid unless the use or work authorized by it shall have been commenced within six (6) months of its date of issue or if the work authorized thereby is suspended or abandoned for a period of one hundred eighty (180) days.

(Ord. of 8-6-74, § 1)

Section 16.04. Certificate of occupancy.

It shall be unlawful for any owner to use or permit the use of any land or structure or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, stating that the structure or use conforms with the requirements of the Salisbury zoning ordinance, shall have been issued by the zoning administrator. A certificate of occupancy shall not be required for a residential accessory structure with a total floor area of one hundred twenty (120) square feet or less. All other requirements of the zoning ordinance are to be met, including those related to yard setback requirements. The zoning administrator shall issue a certificate of occupancy certifying, after his inspection or in response to an application, the extent and kind of use of the structure or land and whether such use or structure conforms with the provisions of the Salisbury zoning ordinance.

(Ord. of 8-6-74, § 1; Ord. No. 1977-50, § 2, 12-6-77)

Section 16.05. Temporary certification of occupancy.

Under such rules and regulations as may be established by the zoning administrator, a temporary certificate of occupancy for partial or total use of a structure or land may be issued for a period of not more than one hundred eighty (180) consecutive calendar days. A temporary certificate of occupancy may be renewed no more than twice without approval of the zoning board of adjustment. Each renewal shall be for a period of not more than one hundred eighty (180) consecutive calendar days and each such renewal shall be consecutive to the expiration date of the original issue of renewal.

(Ord. of 8-6-74, § 1)

Section 16.06. Certificate for existing structure or use.

Upon written request from the owner, lessee or occupant, the zoning administrator shall issue a certificate of occupancy for any parcel of land or structure certifying, after his inspection, the extent and kind of use made of the structure or land, and whether such use or structure conforms with the provisions of the Salisbury zoning ordinance.

(Ord. of 8-6-74, § 1)

Section 16.07. Certificate of occupancy for nonconforming structures or uses.

A certificate of occupancy shall be required of all nonconforming uses of land or structures and nonconforming structures created by the zoning ordinance of the City of Salisbury or any subsequent amendment thereto. Applications for such certificates of occupancy for nonconforming uses and structures shall be filed with the zoning administrator by the owner, lessee, or occupant of the land or structure within three (3) months of the effective date of this ordinance amendment August 6, 1974, or any subsequent zoning ordinance amendment. Failure to apply for such certificate of occupancy as specified will place upon the owner, lessee, or occupant the entire burden of proof to the satisfaction of the zoning administrator or as otherwise by law provided that such use of land or buildings, lawfully conforms to the respective requirements of the Salisbury zoning ordinance. It shall be the duty of the zoning administrator to issue a certificate of occupancy certifying, after his inspection, the extent and kind of use made of the structure or land and whether such use or structure conforms with the nonconforming use provisions of the Salisbury zoning ordinance.

(Ord. of 8-6-74, § 1)

Section 16.08. Record of current certificates of occupancy.

A record of all current certificates of occupancy shall be kept on file in the office of the zoning administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such a certificate of occupancy.

(Ord. of 8-6-74, § 1)

Section 16.09. Predevelopment Site Grading

Predevelopment site grading, for the purpose of this ordinance, is any land disturbing activity of one acre or more that is not regulated by a site plan previously approved by the Salisbury City Council..

The grading may be considered a ‘low impact’ or ‘high impact’ activity based on the table below:

LOW IMPACT ACTIVITY	HIGH IMPACT ACTIVITY
1. Land disturbing activity is more than 100 feet from a residential district	1. Land disturbing activity is 100 feet or less from a residential district
2. Land disturbing activity will not intrude into either the Street Yard Landscaping Area or the Planting Yard Landscaping Area	2. Land disturbing activity will intrude into either the Street Yard Landscaping Area or the Planting Yard Landscaping Area
3. The steepness of the proposed slope at clearing limit is 3:1 (horizontal:vertical) or flatter	3. The steepness of the proposed slope at clearing limit is greater (steeper) than 3:1 (horizontal:vertical)
4. The height of the proposed grade change (cut or fill) is less than or equal to 3 feet	4. The height of the proposed grade change is greater than 3 feet

If one or more of the high impact activities exist, it is considered high impact.

For a low impact activity, a predevelopment site grading permit can be secured following a review and approval by the Zoning Administrator. If denied by the Zoning Administrator, he shall state in writing the reason(s) for his denial. If the Zoning Administrator denies issuing the permit, the matter can be appealed to the City Council.

For a high impact activity, a predevelopment site grading permit shall be reviewed and recommended by the Technical Review Committee before being considered for approval or denial by the City Council. In the case of high impact activity #1, property owners within 100 feet of any land disturbing activity shall be notified in writing, by first class mail, of a city public hearing to be conducted prior to the city’s consideration of issuance of the permit.”

Section 16.10. Penalties for violation.

All remedies set forth in North Carolina General Statutes 160A-175 and North Carolina General Statutes 14-4 shall be available for use by the city code enforcement officers. In addition, the civil penalty provided in Chapter 9 [8.5] of the Salisbury City Code shall be available for use by the code and enforcement officers. The code enforcement officers may use any one (1) or several of the remedies provided to deal with violators and violations of the Salisbury zoning ordinance.

(Ord. No. 1990-69, § 1, 12-18-90)

Section 16.11. Remedies.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this ordinance, the zoning administrator, or any other appropriate city authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction of mandamus, or other appropriate action or proceeding to prevent such violation.

(Ord. of 8-6-74, § 1; **Ord. 2000.97**)